

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6364 of 1990

Date of decision: 10-11-1997

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAMANLAL M.MODI

Versus

AGRICULTURAL PRODUCE MARKET COMMITTEE

Appearance:

MR A. M. Raval for Petitioner

MR Hasim Qureshi for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 10/11/97

ORAL JUDGEMENT

Learned counsel for the petitioner admits that in this special civil application the petitioner has challenged the order under which the petitioner was ordered to be placed under suspension in connection with the departmental enquiry. On 7-12-1990 this Court has ordered as under:

"Rule. Interim relief restraining the respondent from terminating the services of the petitioner except in accordance with law. It is clarified that the order of suspension remains as it is."

It is not in dispute that after this order the petitioner has been dismissed from service, and against that order of dismissal he preferred appeal before the Director of Agricultural Marketing and Rural Finance, Gujarat State, Old Sachivalaya, Gandhinagar, and that appeal has been allowed and the order of dismissal has been set aside. The respondent - Agricultural Produce Market Committee, Vadnagar, Kheralu, has challenged that order before this Court in special civil application No.1824 of 1992, which is pending. In view of the fact that subsequently the petitioner has been dismissed from service and that order has been set aside by the Director of Agricultural Marketing and Rural Finance, this petition no more survives. In fact the petition has become infructuous. Order of suspension has merged into the final order passed in the subsequent proceedings. Learned counsel for the petitioner is unable to satisfy this court how this petition still survives.

3. The special civil application is dismissed as having become infructuous. Rule discharged. No order as to costs.

....